

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION,**

**Civil Action 2:13-md-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

This document relates to: ALL CASES.

PRETRIAL ORDER NO. 59

March 21, 2023, Conference Order

This matter came before the Court for an in-person status conference on March 21, 2023.

This Order memorializes the results of the conference as follows:

Initially, the parties informed the Court that this third tranche of cases filed in this MDL would likely consist of approximately fifty (50) cases, with half from Ohio and the other half from West Virginia. Plaintiffs' position is that the MDL should remain open to handle these cases. Defendants disagree and believe that the MDL should be dissolved. The Court will address this issue as the cases are filed and the last appeal from the second tranche of cases is finalized.

Currently, there are six (6) cases before this Court:

- *Ian and Heather Lynn v. E. I. du Pont de Nemours and Company, et al.*, Case No. 1:22-cv-751, Ohio case, Testicular Cancer, Cory Watson Firm
- *Martha Marks v. E. I. du Pont de Nemours and Company, et al.*, Case No. 1:23-096, Ohio case, Kidney Cancer, Fitzsimmons Law Firm, Farrell Fuller Firm
- *Blaine and Katherine Honea v. E. I. du Pont de Nemours and Company, et al.*, Case No. 2:23-cv-413, West Virginia case, Kidney Cancer, Kayser Layne & Clark, PLLC,

- *Thomas Matheny v. E. I. du Pont de Nemours and Company, et al.*, Case No. 2:23-cv-416, West Virginia case, Testicular Cancer, Fitzsimmons Law Firm, Farrell Fuller Firm
- *Joseph and Donna Hall v. E. I. du Pont de Nemours and Company, et al.*, Case No. 2:23-cv-869, Ohio case, Testicular Cancer, Cory Watson Firm
- *Cathy Clark v. E. I. du Pont de Nemours and Company, et al.*, Case No. 2:23-cv-882, Ohio case, Kidney Cancer, Fitzsimmons Law Firm, Farrell Fuller Firm

Second, the parties have agreed that the first two cases filed, *Lynn* and the *Marks*, will be worked up for trial first. The parties agreed to file a 26(f) Report on or before April 21, 2023. These documents should be filed in the individual cases, not the main MDL Docket.

The parties also agreed to exchange limited discovery in the *Honea* case because of Mr. Honea's health. The parties will voluntarily engage in this exchange and do not need to inform the Court of the progress unless there is a dispute.

Third, the parties were directed to file any *pro hac vice* admission requests on the main MDL docket. Once *pro hac vice* admission is granted in the main docket, the individuals are admitted for each individual case as well.

Fourth, the Court clarified that all prior orders issued in this MDL are binding, absent subsequent facts or legal authority. The parties are directed in every filing to inform the Court if (and where) the issue has been previously considered.

Fifth, the remaining issues related to direct filing and discovery of the Mason County water district will be discussed, if necessary, at a later date.

Sixth, the Court set the next status conference for April 25, 2023 at 2:00 p.m. via GoToMeeting. The Clerk is **DIRECTED** to issue a Notice with the GoToMeeting instructions. The parties must confer prior to the conferences and file with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. If any of those issues

relate to proposed orders or other documents the parties plan to discuss with the Court during the conference, those proposed orders or other documents should be submitted with the agenda.

Last, the Clerk is **DIRECTED** to file this Order, titled “PRETRIAL ORDER NO. 59, March 21, 2023, Conference Order” on the Main MDL Docket and in *Ian and Heather Lynn v. E. I. du Pont de Nemours and Company, et al.*, Case No. 1:22-cv-751; *Martha Marks v. E. I. du Pont de Nemours and Company, et al.*, Case No. 1:23-096; and, *Blaine and Katherine Honea v. E. I. du Pont de Nemours and Company, et al.*, Case No. 2:23-cv-413.

IT IS SO ORDERED.

March 24, 2023
DATE

/s/ Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE